

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JOYCE SIMMONS,

Petitioner,

No. C 15-4267 NJV (PR)

vs.

ORDER OF TRANSFER

UNITED STATES,

Respondent.

Petitioner, a federal prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court dismissed that petition with leave to amend and petitioner has filed a request for an extension. (Doc. 13.) She states that she was being held in this district but was just transferred to Victorville Camp in Adelanto, California, which lies within the venue of the United States District Court for the Central District of California.

A district court must determine at the outset whether a petition filed by a federal prisoner is being prosecuted pursuant to 28 U.S.C. § 2241 or 28 U.S.C. § 2255, because Congress has given jurisdiction over these petitions to different courts. *Hernandez v. Campbell*, 204 F.3d 861, 865-66 (9th Cir. 2000). A petition brought under § 2241 must be heard in the district of confinement, whereas if the petition is properly brought under § 2255, it must be heard by the sentencing court. *Id.* at 865.

Petitioner was convicted in the Northern District of Texas and is now confined in the Central District of California. Because a petition under § 2241 must be heard in the district of confinement, this case is **TRANSFERRED** to the United States District Court for the Central District of California. See 28 U.S.C. § 1406(a).

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2 **IT IS SO ORDERED.**

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4 Dated: January 19, 2016.

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NANDOR J. VADAS
United States Magistrate Judge